

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
) Cause No.
 vs.) 3:23-cr-30076-SPM-1
) East St. Louis, IL
 NIRAV B. PATEL,) January 14, 2025
) 9:44 a.m.
 Defendant.)

Before the
HONORABLE JUDGE STEPHEN P. MCGYLNN

TRANSCRIPT OF FINAL PRETRIAL CONFERENCE

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(Proceedings taken by machine shorthand; transcript
produced by computer-aided transcription)

1 || (In open court.)

3 3:23-cr-30076, the United States of America v.

4 *Nirav Patel.* Case is called for a final pretrial
5 hearing.

8 MR. REED: Good morning, Judge. Peter
9 Reed and Steve Weinhoeft for the Government.

10 THE COURT: Good morning, gentlemen.

11 MS. FRETER: Good morning, Your Honor.

12 Kim Freter for Mr. Patel, and I apologize, Judge.
13 I was so certain this was on Thursday. I have a
14 visit even set up with Mr. Patel for this
15 afternoon. I just apologize.

18 Good morning, Mr. Patel.

19 All right. We have several Motions in
20 limine filed by the Government. The last one being
21 filed yesterday seeking to present the deposition
22 testimony of Sergeant Towell, T-o-w-e-l-l, to the
23 jury during trial as he is out of the area or even
24 out of the country on National Guard duty. Any
25 objection?

1 MS. FRETER: No, Your Honor. There was
2 one objection in the course of the deposition that
3 the Government and I were working to resolve, and I
4 think we've got that --

5 MR. REED: The hearsay objection, I think
6 that maybe you're standing on. Is that accurate?

7 MS. FRETER: Yes.

8 MR. REED: Okay. There is one objection I
9 thought we had as well; but if you're willing to
10 rule on it today, then we can cut the video, and we
11 won't have to skip back and forth during the
12 course.

13 MS. FRETER: I have no objection to the
14 deposition being admitted.

15 MR. REED: It's up to you, Your Honor. I
16 have the transcript.

17 THE COURT: Why don't you just give me the
18 transcript. I'll take a look at it. Let me know
19 what page it is, and we can take it up before we
20 bring the jury in next week.

21 MR. REED: Okay.

22 MS. FRETER: Thank you, Your Honor.

23 COURTROOM DEPUTY: The interpreter needs
24 to be sworn.

25 THE COURT: I'm sorry?

3 THE COURT: Oh, okay.

4 We have to swear in the interpreter, so
5 ma'am.

6 || (Interpreter Nita Shah sworn.)

8 COURTROOM DEPUTY: Thank you.

11 MS. FRETER: No, Your Honor.

1 matter with the presiding judge.

2 Counsel, is there a -- have you been
3 informed by anyone, any other attorney, that he or
4 she is going to be entering an appearance on behalf
5 of Mr. Patel in this case?

6 MS. FRETER: No, Your Honor.

7 THE COURT: Are you under the impression
8 that Mr. Patel is seeking to have you removed as
9 his counsel in this case?

10 MS. FRETER: My understanding, Judge, is
11 that we're in the same place that we've been
12 before, that he's unhappy with the choices that
13 I've presented to him but that he does not want a
14 continuance of his trial and that he understands if
15 he gets a new trial, the trial -- or new lawyer,
16 the trial will get pushed back, and so it's the
17 same couple of conversations we've had before.

18 THE COURT: All right. The Court has
19 appointed an attorney to assist Mr. Patel. The
20 Court has appointed the Chief Federal Public
21 Defender for the Southern District of Illinois.
22 She was selected by the district judges of Southern
23 Illinois after a thorough merit selection process,
24 and she was selected because of her demonstrated
25 ability as both a defense lawyer and as someone

1 with the Court the judges felt comfortable would do
2 the best job recruiting and mentoring and helping
3 other assistant federal public defenders that would
4 be in the office. I've seen nothing in this case
5 or any other case that suggests that there would be
6 reason to be concerned about the quality of the
7 representation of the defendant in this case. The
8 defendant -- defendant's counsel -- are you death
9 penalty certified?

10 MS. FRETER: Yes, I am. I'm learned
11 counsel.

12 THE COURT: And, in fact, you had a death
13 penalty case before me -- or a death penalty
14 eligible case before me, and she is also defense
15 counsel in RICO litigation and major conspiracy
16 cases.

17 And I have not filed any -- I have not
18 forwarded any response to this letter from the
19 Consulate General of India.

20 Has the Government done anything with
21 respect to this letter?

22 MR. REED: Judge, we have not sent a
23 response to the Consulate in regard to this letter.
24 We are consulting with our Office of IA, which is
25 the Office of International Affairs, to make sure

1 there is nothing we need to do.

2 THE COURT: Well, I will direct that a
3 transcript of this part of the proceeding in which
4 I've addressed this letter on the record be
5 forwarded to Mr. Gautam, G-a-u-t-a-m, who is Head
6 of Chancery and the Consul, Consulate General of
7 India.

8 Any objection?

9 MR. REED: No objection, Judge.

10 MS. FRETER: No, Your Honor.

11 THE COURT: All right. We are set to
12 start trial Tuesday; is that correct?

13 MR. REED: Yes, Judge.

14 THE COURT: Is the Government going to be
15 ready?

16 MR. REED: Yes, Judge.

17 MS. FRETER: We're ready, Your Honor.

18 THE COURT: All right. And how long do
19 you anticipate it taking?

20 MR. REED: Judge, I still think we should
21 be done by the end of next week, by Friday. Some
22 of that is going to depend on timing with the
23 interpreter in court, but I feel confident we
24 should be able to finish up by the end of the
25 week.

1 MS. FRETER: I think that's right, Judge.
2 We've worked out some stipulations. We're hopeful
3 to work out some more, so I think we're able to cut
4 out a couple witnesses.

5 THE COURT: How many prospective jurors do
6 you think we need to bring in?

7 MR. REED: What's a typical?

8 THE COURT: Forty, 45.

9 MS. FRETER: How many did you have, Peter,
10 a couple weeks ago?

11 MR. REED: I think we pulled in 55 because
12 of the length.

13 MS. FRETER: How close did you get?

14 MR. REED: I think we had 15 left. I
15 think 40, 45 should be fine.

16 THE COURT: Yeah, when you think of those
17 issues that might provoke a strong response from
18 potential jurors like a child victim. Now, the
19 victims in this case were elderly. I think if we
20 bring in 45, 46 jurors, we should be okay.

21 MS. FRETER: I just haven't looked at the
22 weather for next week.

23 THE COURT: I have only looked at the
24 Notre Dame-Ohio State game that's going on Monday
25 night.

1 (Off the record.)

2 THE COURT: Let's plan on trying to
3 start -- let's get the lawyers here by 9, and
4 there's always things to take up beforehand. We'll
5 plan to try to get the jury pool up here around 10.

6 How soon will they have the packets for
7 the lawyers to review? Jackie, what is the normal
8 turnaround?

9 COURTROOM DEPUTY: We have another trial
10 that day with Judge Dugan, so it may be a little
11 later than normal, but they try to have them up by
12 9, 9:30.

13 So Mr. Patel, what happens is we send
14 questionnaires to each of the prospective jurors,
15 and it gives us background information about them.
16 So they'll bring up a binder that has the answers
17 to all the questions that the jurors filled out,
18 and we'll give that to your attorney; and I'll give
19 her time to go through it and review their answers
20 to see if there's anything that points out a
21 concern. So it probably won't be until probably
22 quarter after 10, twenty after 10 until we start
23 questioning potential jurors; but hopefully, we can
24 get the jury picked and opening statements
25 commencing early afternoon.

1 And do you know what witnesses you're
2 going to lead with?

3 MR. REED: Yes, Judge. We are planning to
4 have two witnesses here. I know when we had two
5 jury venires here in December, jury selection ended
6 up taking all day. I'm hoping that's not the case,
7 but we will have witnesses ready to go.

10 MR. REED: I raise it simply because it
11 surprised us in December when they brought in two
12 venires for two trials at the same time. Juror
13 selection in both cases, we only got through
14 openings. I raise it -- it took a long time.
15 Hopefully, that doesn't happen again next week; but
16 if it does take all day, then that may back us up
17 as we're going through the week.

18 MS. FRETER: I was in trial with Judge
19 Dugan at the same time that Mr. Reed was in trial
20 with Chief Judge Rosenstengel, and there was about
21 a hundred jurors. Judge Dugan, I think, had asked
22 for more than he usually did, too, because of the
23 nature of that case.

24 MR. REED: Right.

25 MS. FRETER: And it slowed down things in

1 the jury assembly room, I think, some, and it was
2 just a weird day.

3 MR. REED: It was a weird day.

4 MS. FRETER: I think, because we're asking
5 for fewer jurors, and I don't know what kind of
6 case Judge Dugan has --

7 MR. WEINHOEFT: Gun case.

8 MR. REED: It's a gun case.

9 MS. FRETER: So he won't need as many
10 either. I think that it will go faster. I don't
11 usually ever ask -- 40 minutes would be my max.
12 Usually it's closer to 15 or 20. I just don't ask
13 that -- between the questionnaires and what's
14 already done before me, I go pretty fast, and I --
15 as soon as they bring those binders, I can stand --
16 I mean, I work while they talk, so --

17 THE COURT: All right.

18 MR. REED: I'm hopeful we'll be able to
19 get through witnesses on Tuesday as well. I just
20 flag it because that happened and I think it
21 surprised us all.

22 THE COURT: Well, if it takes all day,
23 I'll just blame it on the fact that there's two
24 jury trials and not a hangover.

25 MR. WEINHOEFT: Judge, may I ask, what is

1 your custom and practice for -- do you normally do
2 panels? How do you handle back striking, things
3 like that?

4 THE COURT: So I will ask questions, basic
5 questions. I'll take them -- I'll address
6 questions to those who are in the jury box, then
7 I'll address questions to those that are in the
8 gallery on the left side and then questions to
9 those in the gallery on the right side.

10 When we ultimately go to pick the jury, I
11 pick in groups of three. I don't allow back
12 striking. The Government will have to tender three
13 jurors to the defense, and the defense will have to
14 tender back three jurors; and once we agree on the
15 first three jurors, then we start the process again
16 with the next three until we get to twelve and two
17 alternates.

18 If you have any questions, if there's any
19 issues you want me to ask the jury about, that you
20 prefer I be the one to ask the question, I always
21 contemplate doing those. There are some areas that
22 have to be delved into in certain cases that are
23 very uncomfortable for potential jurors, and I'd
24 rather them take it out on me as opposed to one of
25 the lawyers.

1 MR. WEINHOEFT: We appreciate that.

2 THE COURT: Okay. Mr. Patel has his hand
3 up. Do you want to talk to --

4 MS. FRETER: Mr. Patel, you need to sit
5 down.

6 THE DEFENDANT: I would like the people of
7 this Nation to know what kind of things are going
8 on here, and I insist on the media here before the
9 proceedings.

10 THE COURT: Insist on the media what?

11 MS. FRETER: Judge, he wants the press
12 here. I've explained to Mr. Patel, this is an open
13 courtroom. The press is able to come if they so
14 choose. He's, I guess, asking that I or you invite
15 the press. I don't do that, and so I will not do
16 that, but if the press -- Mr. Patel, you have to
17 sit down.

18 If the press want to appear, they're, of
19 course, more than welcome to as it's an open
20 courtroom.

21 THE COURT: In the federal system,
22 Mr. Patel, the Court is open to the public
23 including the media; however, the media is not
24 allowed to broadcast the live proceedings without
25 specific permission from the trial judge.

1 Is anyone going to be requesting daily
2 transcripts in this case?

3 MR. REED: No, Judge.

4 MS. FRETER: No, Your Honor.

5 THE COURT: Okay. Erin, our court
6 reporter, is taking down every word, and so there
7 will be a written transcript of the entire
8 proceedings that can be made available to the media
9 if the media wishes.

10 From time to time, there are things in the
11 transcript that I order be sealed. Meaning, we
12 have a formal record of it, but that part of the
13 record is not available to the public to review.
14 Sometimes there are things of a sensitive nature
15 that come up in a case where I order that that
16 portion of the trial be sealed to protect a
17 defendant or a witness or a victim from the
18 disclosure of sensitive information.

19 Now, Mr. Patel, before we start the trial,
20 I will address you in detail about your rights.
21 I'm not -- you have a lawyer, so you don't need me
22 to give you legal advice, but I will tell you that
23 you are -- you are going to begin an experience
24 that's going to be the first time you have been
25 through anything like this; however, your lawyer is

1 incredibly well trained and has a tremendous amount
2 of experience defending individuals such as
3 yourself in a criminal case. Ultimately, it will
4 be your decision to make as to whether or not you
5 testify. If you choose to testify, we will put you
6 on the stand, and you'll be able to answer
7 questions and tell the jurors your side of the
8 story. You do not have to testify, and you cannot
9 be compelled to testify, and you should discuss
10 that with your attorney. It's a very important
11 part of the trial strategy in trying to defend your
12 interests.

13 If you stand up and start talking to the
14 jury, you may waive your Fifth Amendment rights;
15 and if you start talking to the jury, I may have to
16 allow the Government attorneys to put you on the
17 stand and answer questions about what you just
18 said. I don't want that to happen. In our
19 proceedings so far, I have allowed you at times to
20 address me directly without going through your
21 attorney; but when the jury is in the courtroom,
22 I'm going to have to enforce the rules that your
23 attorney is the one who speaks for you unless and
24 until you take the stand. All right?

25 It's obvious that this is a very stressful

1 situation for you and that you're very worried
2 about how this is all going to play out, and I
3 understand that; but we are -- I'm really going to
4 enforce the rules. You are lucky you have the
5 attorney you have, and I mean that. So don't get
6 upset or get mad if I prevent you from speaking out
7 at a time when you feel the need, or urgency, to
8 announce in Court whatever is on your mind.

9 All right. Anything else we need to take
10 up for the Government?

11 MR. REED: Nothing else, Judge. Thank
12 you.

13 THE COURT: Okay.

14 THE DEFENDANT: I will fight my case
15 myself.

16 THE COURT: You seem like a nice guy, but
17 I'm telling you that would be really foolish. I
18 have -- I've been a lawyer since 1987. If I was in
19 a foreign country, and I was on trial and the
20 entire trial was conducted in a language I didn't
21 understand, there's not a chance I would defend
22 myself, and I established myself as a very good
23 trial lawyer when I was in private practice.

24 Now, if you defend yourself, you have to
25 follow the rules, and you don't get to testify as

1 to facts unless you're put under oath. You can
2 testify, but then you have to stand for
3 cross-examination.

4 Counsel, do you have a concern about your
5 client's competence; or what do you think is going
6 on other than the fact that he's presented several
7 options, and none of the options he's presented is
8 the one he wants?

9 MS. FRETER: Judge, Mr. Patel was present
10 at the videotaped deposition that we did to
11 preserve testimony, and we had an interpreter who
12 was able to simultaneously interpret for him. At
13 the end of the deposition, he was trying to talk to
14 both the officer and to the Government, and he --
15 from that conversation, so I'm not revealing
16 attorney-client, he sees this case very
17 differently.

18 The officer testified in a manner that the
19 Government believes is inculpatory, that shows
20 Mr. Patel is guilty of this offense, and the
21 Government feels that that's very good testimony
22 for them. Mr. Patel, who was present for the same
23 testimony, feels that it is exculpatory, that the
24 officer's testimony and what happened shows that he
25 is not guilty of this crime or crimes. Those views

1 are diametrically opposed, and Mr. Patel just sees
2 the case one way and the Government sees it another
3 way, and the twain may never meet.

4 And so it's my opinion that I've told
5 Mr. Patel about testifying, we worked on that, that
6 that is at the end of the case. He's indicated to
7 me -- and this isn't a surprise to the
8 Government -- he intends to testify at this point.
9 He wants to get up and tell his side of the story.
10 I think that based on his totality of his
11 situation, I don't know that he can pass a *Faretta*
12 examination to be able to represent himself. I
13 don't think that he's able to perform in this
14 courtroom as -- as a pro se defendant. I think
15 that Mr. Patel's concerns may be alleviated after
16 he's testified, after he's able to, sort of, tell
17 the jury his side of the story.

18 THE COURT: Can he read and understand the
19 English language?

20 MS. FRETER: Not really, Judge, no.

21 THE COURT: All right. So any exhibits
22 that are in a written form, he is not going to be
23 able to read them and properly understand them; is
24 that correct?

25 MS. FRETER: Yes, Your Honor. And the

1 sort of fundamental basics of our legal system in
2 terms of that there's rules, who goes first, who
3 goes second, that -- that litigants aren't just
4 able to talk to the court or explain their side
5 such as the case just goes away, he's not able
6 to -- I'm sure the Court has had folks who are
7 sovereign citizens, and they don't believe in the
8 Government, but this is different than that. This
9 is not even the understanding, sort of, that you
10 would have from watching TV shows about courtrooms.
11 He's just not able to really -- as the Court said,
12 this is an experience very different from him that
13 he had before. The basics of it, he's just not
14 able to appreciate at this time. Maybe after
15 trial, he'll understand more. He understands
16 witnesses are going to come in and testify, there
17 is going to be a jury, and they're going to get to
18 decide, and he is going to get to say his side of
19 the story, and he's seen a portion of that because
20 we did the videotaped deposition, but I think that
21 he feels that if he just is able to tell the
22 Government that he didn't do this that the case
23 will just go away.

24 THE COURT: The Government is well aware,
25 Mr. Patel, that you maintain very strongly that you

1 are innocent. I presume you are innocent, and that
2 presumption stays with you until the Government can
3 prove to the satisfaction of the jury that you're
4 guilty beyond a reasonable doubt of one or more of
5 these charges that you face.

6 Do we need to have a hearing on his
7 competency to represent himself?

8 MS. FRETER: Again, Judge, Mr. Patel just
9 sees the case very, very differently than the
10 Government does. I don't know -- so the case I
11 just had with Judge Dugan that I was stand-by
12 counsel, the defendant was pro se. It was his
13 second pro se trial. He was well familiar with the
14 rules of procedure, objections, hearsay, could ask
15 questions, also could maintain courtroom decorum.
16 He was able to, after both the judge's admonition
17 and inquiry, represent himself. Was it a wise
18 decision, probably not, but he was able to exist
19 within the courtroom space.

20 It's my opinion Mr. Patel is not going to
21 be able to do that. He wants questions asked of
22 the witnesses that are just inadmissible, that he's
23 not going to be able to formulate any type of
24 court-like examination or pick a jury or do any of
25 those things that a pro se defendant would be able

1 to do.

2 THE COURT: Do you anticipate calling any
3 witnesses other than the defendant?

4 MS. FRETER: I don't. Judge, this case is
5 really -- it comes down to one issue only about
6 knowledge and intent, and the only person who is
7 able to demonstrate that is Mr. Patel, and the jury
8 is either going to believe him about his knowledge
9 and intent or they're not.

10 I'm able to construct a scaffolding with
11 all of these little parts from all these other
12 witnesses to show that he lacked knowledge and
13 lacked intent. The Government will try to knock
14 that down; but ultimately, it just comes down to
15 what -- when he gets up there and testifies, do
16 they believe him or not.

17 I'm in a better position, quite frankly,
18 to put him in a place where they can relate his
19 testimony to the facts based on this scaffolding
20 that I'll construct than he is. He is not going to
21 be able to respond to the Government's objections.
22 It's not a -- it's just my opinion. I don't think
23 that it's -- it's not a lack of competency in terms
24 of intellectual functioning or mental health. I
25 don't think he has either of those issues, and

1 we've spent quite a lot of time together. I just
2 think that he feels very strongly and he's very
3 inflexible in his thinking, and it is very contrary
4 to how the Government feels about the same facts.

5 THE COURT: All right. I will question
6 the defendant on Monday to see if it's appropriate
7 to allow him to proceed representing himself with
8 you as stand-by counsel.

9 Mr. Patel, in our system people have a
10 right to an attorney. They also have the right to
11 represent themselves. When someone is charged with
12 crimes such as you and are facing potential
13 penalties, that give -- I have to give serious
14 consideration to whether or not a particular
15 individual has the capacity to mount a credible
16 defense against these charges. So defending
17 yourself would mean that would you make an opening
18 statement. Defending yourself would mean that you
19 would raise the objections, any objections, to
20 questions posed by the Government to witnesses, any
21 objections to evidence that the Government seeks to
22 present and respond to any objections that the
23 Government lodges against your presentation or
24 witnesses or evidence you wish to produce, and this
25 happens in realtime.

1 So you will be trying to do this in a
2 language you don't speak, and you would be trying
3 to respond to objections voiced in a language you
4 don't speak, and you would have to follow rules
5 that you've not read, and then you would have to
6 have a translator try to explain the rules to you
7 in realtime.

8 As a practical matter, before you would
9 testify, the jurors very well may form opinions
10 about you that may not help you, and the best
11 presentation of your case may be to have your
12 lawyer craft questions to you that would allow you
13 to tell your story, and at times you've been very
14 moving in your statement, or statements, about that
15 you're not guilty, that you didn't understand what
16 was going on.

17 I presided over a number of cases in which
18 individuals have elected to represent themselves
19 instead of allow the lawyer to do his or her job.
20 You're presumed innocent, and you -- a jury may
21 find that you are innocent, but this is a serious
22 process, and your best chance of this jury
23 concluding that the Government has not proved its
24 case against you, that bad things happened but it
25 wasn't your fault, your best chance of securing a

1 verdict in your favor is by having your lawyer take
2 the lead in handling this case.

3 Does the Government have a position on
4 this?

5 MR. REED: Judge, I'd say two things.
6 First, with regards to *Farella*, there seems to be
7 some significant obstacles to this request, and I
8 think the second thing that I would say, it's not
9 clear that there is a request to represent himself;
10 and having a couple days for him to think about it
11 and discuss with Ms. Freter and take it up first
12 thing Tuesday morning would make sense to determine
13 whether or not that is, in fact, what he's
14 requesting and have full knowledge with that.

15 THE COURT: Ms. Freter?

16 MS. FRETER: I have a meeting with
17 Mr. Patel and an interpreter set up this afternoon
18 at four o'clock, and then I think we're supposed to
19 meet again Thursday or Friday. It's my habit
20 usually, after each witness is toward the end of
21 testifying, and I check in with my clients, and I
22 say is there anything else you want me to ask? I
23 don't always ask those questions, but I check in.
24 I think that may help to alleviate Mr. Patel's
25 concerns that I'm not going to do what it is that

1 he wants.

2 I think that waiting until Tuesday to talk
3 to him about if he's making a request to truly
4 represent himself is probably a good idea. I
5 think, also, we could continue to check in with him
6 throughout the course of the trial in case he
7 changes his mind, but I think that my recollection
8 of *Farettta* is one of the standards is, you know,
9 whether the Court feels that a defendant is going
10 to be able to conform to the rules of court and
11 conform to the sort of decorum area. If Mr. Patel
12 is not able to restrain himself and not speak out
13 of turn and not do those kind of things, you know,
14 the Court can always have him removed which
15 sometimes happens. I'm hopeful that we don't get
16 to that point, but that's part of the sort of
17 *Farettta* rubric; so hopefully, between now and
18 Tuesday Mr. Patel and I can continue to work
19 through these issues.

20 THE COURT: You should prepare yourself to
21 be lead counsel. There are -- Mr. Patel, I've been
22 a judge a number of years. I've seen people make
23 foolish mistakes, I've seen them make foolish
24 decisions, and sometimes I can't save them from
25 those, and the consequences oftentimes are

1 significant. And if I, as a trained lawyer, an
2 experienced trial lawyer, an experienced judge,
3 wouldn't undertake to represent myself in a trial
4 in a foreign country, in a foreign language I don't
5 speak, with written documents I can't read, with
6 rules of court that I had a history of not
7 following, then I don't know how you would fair any
8 better; and my fear is, is that my honest
9 assessment is that the presentation of the evidence
10 to the jury would be nowhere near as good if you
11 represented yourself than it would be if you
12 allowed your trained and experienced lawyer to
13 fight for you.

14 On several occasions, contrary to your
15 lawyer's objections, you have stood up and you've
16 addressed me, you've become very emotional, you
17 speak fast, your interpreter is probably not
18 picking up on every word you're saying because you
19 speak so fast. Your interpreter will be at a
20 disadvantage to accurately convey the words you
21 have spoken, translating to English, and then tell
22 the jury; and I just think that's going to be a
23 very big problem for you.

24 When you tell your version of events to
25 the jury, because you will be responding to

1 questions presented to you by your lawyer, it will
2 have -- it will have a logical flow to it; and
3 because that's question-answer, question-answer, it
4 helps break up things so that your interpreter is
5 able to keep up with the presentation to the jury.
6 It will flow that much better, and that's a very
7 real -- that's a very real consideration you have
8 to seriously contemplate.

9 It's not just that you think you're
10 positive you're innocent. It's that that message
11 has to be effectively -- effectively conveyed to
12 the jury, and you don't get a do-over if you lose.
13 If you represent yourself and you lose and you're
14 sentenced to years in jail, you don't get to come
15 back to this court and say, you know what, I know
16 realize I should have let the lawyer help me. I
17 want -- I want a new trial where I have a good
18 lawyer defending me. It's too late.

19 All right. Anything else for the
20 Government?

21 MR. REED: Nothing else, Judge.

22 MS. FRETER: No, Your Honor.

23 THE COURT: All right. Tuesday morning,
24 let's try to get here by 9:15, and we'll take up
25 whatever else we need to take up. I'm going to

1 grant the -- all the motions in limine that the
2 Government has filed, and we will take up -- get me
3 the information on the objection in the deposition,
4 and I will let you know my ruling on that before we
5 commence picking a jury, and we'll re-explore this
6 issue about defense -- self-defense.

7 All right. We're adjourned.

8 (Proceedings adjourned at 10:42 a.m.)

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12 CERTIFICATE OF COURT REPORTER

13

14 I, Erin M. Materkowsky, hereby certify that
15 the foregoing is a true and correct transcript from
16 reported proceedings in the above-entitled matter.

17

18 /s/ Erin M. Materkowsky
19 ERIN M. MATERKOWSKI, RPR, CRR
Official Court Reporter
Southern District of Illinois
20 East St. Louis Division

Date: 6/20/2025

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